


# COUNCIL COMMUNICATION

	Number:	<b>24-278</b>	Meeting:	<b>June 17, 2024</b>
	Agenda Item:	<b>36</b>	Roll Call:	<b>24-0878</b>
	Submitted by:	<b>Benjamin R. Page, Park and Recreation Director</b>		

## AGENDA HEADING:

Resolution approving First Amendment to Agreement Between the City of Des Moines and Downtown Self-Supported Municipal Improvement District (SSMID) for Park, Open Space and Streetscape Maintenance of Principal Riverwalk; Hansen Triangle; Western Gateway Park; East Locust Streetscape; and Martin Luther King (MLK), Jr. Parkway.

## SYNOPSIS:

Recommend approval of an amendment to the Agreement to allow for an initial three (3)-month extension of the June 30, 2024, termination to September 30, 2024, and an option of a further three (3)-month extension to December 31, 2024, to allow completion of agreement negotiations.

## FISCAL IMPACT:

Amount: \$101,500 for three (3)-month extension through September 30, 2024 (either in cash or in-kind), additional optional three (3)-month extension through December 31, 2024, is also \$101,500

Funding Source: Fiscal Year (FY) 2025 Operating Budget, Park and Recreation Department, Downtown Maintenance, PK200225, Page 143; Park and Recreation Department, Horticulture Maintenance, PK200226, Page 144; Park and Recreation Department, Gray's Lake, PK201262, Page 149; and City Manager, Facilities Maintenance, CM030000, Page 26

## ADDITIONAL INFORMATION:

- On September, 25, 2006, by Roll Call No 06-1930, City Council approved the Management and Operations Agreement between the City of Des Moines, Riverfront Development Authority (RDA), and Des Moines Downtown SSMID for overall appearance, cleanliness, beautification and management of downtown's Gateway West, the Principal Riverwalk, MLK Jr. Parkway, and East Village Streetscape through the management firm of Operation Downtown, Inc. (OD).
- On April 29, 2009, by Roll Call No. 09-694, City Council agreed to renew the Agreement, set to expire July 1, 2014, under the same terms and conditions.
- On February 24, 2014, by Roll Call No.14-0312, City Council approved a two (2)-year renewal of the Agreement through July 1, 2016, under the same terms and conditions.

- On May 9, 2016, by Roll Call No. 16-243, City Council approved a three (3)-year renewal of the Agreement through July 1, 2019. The Agreement provided for required maintenance for these areas in a manner that is consistent with the standards of appearance, safety and functionality agreed to by an established committee of advisors known as the Advisory Oversight Committee (AOC), consisting of representatives of the City and RDA, which meets with OD staff to provide oversight. The Agreement specifically excludes management of programs and schedules, which are the responsibility of the Parks and Recreation Department.
- In the current Agreement, the City is obligated to contribute \$406,000 in cash or in-kind service annually. In FY 2025, it is anticipated that approximately \$113,000 of this obligation will be met in the form of in-kind work, as well as through the assumption of the liability for the Principal Riverwalk. The City will continue to have ongoing responsibility for capital repair and replacement of park and streetscape infrastructure apart from the \$406,000 maintenance funding.
- The Agreement provides for the SSMID, through OD, to act as the contracting authority for private contractors and to select the most qualified and economical vendors to do the required maintenance work. The City and RDA representatives in the AOC have the ability to voice their preference in this regard.
- This Agreement will expire on June 30, 2024. With this amendment the agreement shall continue in full force and effect until midnight on September 30, 2024, unless sooner terminated according to the terms of this Agreement. The parties may further extend this Agreement for one (1) three (3)-month period through midnight on December 31, 2024, which, if so extended, shall be documented by written addendum to this Agreement signed by authorized representatives of both parties; the City Manager shall be authorized to approve and sign said addendum on behalf of the City, following approval as to form by the City Legal Department.

**PREVIOUS COUNCIL ACTION(S):**

Date: June 24, 2019

Roll Call Number: [19-1046](#)

Action: [Approving](#) Maintenance for Principal Riverwalk, Hansen Triangle, Western Gateway Park and MLK Jr. Parkway and exemption from the Procurement Ordinance requirements. ([Council Communication No. 19-270](#)) Moved by Gatto to adopt. Motion Carried 6-1. Absent: Cownie.

**BOARD/COMMISSION ACTION(S):**

Board: Parks and Recreation Board

Date: September 13, 2006

Resolution Number: 06-091

Action: Parks and Recreation Board approval of the downtown operations and maintenance agreement.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Consideration of negotiated and completed amendment to the agreement.

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